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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/639,120 | 08/16/2000 | Hong Joo Kim | HI-012 | 4074 |
| 34610 | 7590 | 02/26/2004 | EXAMINER | |
| FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153 | | | ORGAD, EDAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2684 | 7 |
| DATE MAILED: 02/26/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,120

Applicant(s)

KIM ET AL.

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-18 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 & 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dong-Joo (US 5,850,954).

Regarding claims 1 and 11, Dong-Joo teaches a belt clip device for a mobile communication terminal unit (see abstract) comprising: a terminal unit holder for receiving and holding the terminal unit (element 1); a clamp provided, on one side of the terminal unit holder and adapted to resiliently clip a belt worn by a user between first and second clamp arms of the clamp (fig. 4B, elements 6 & 7), thereby allowing the belt clip device to be mounted to the belt; and connecting means for rotatably connecting the clamp to the terminal unit holder (element 22).

Regarding claims 2 and 12, Dong-Joo teaches the first clamp arm (element 6) comprises a base portion and the second clamp arm (element 7) comprises a panel portion hingably coupled (element 9) at one end thereof to the base portion and spaced apart from the base portion to define a gap for receiving the belt there between and wherein the clamp further comprises a spring adapted to urge the base portion and the panel portion in such a fashion that the gap is resiliently maintained (col. 3, lines 9-25).

Regarding claims 3 and 13, Dong-Joo teaches a stopper provided at the other end of the panel portion and adapted to prevent the clamp from being separated from the belt (fig. 2, element 7, bottom of element 7).

Regarding claims 4 and 14, Dong-Joo teaches wherein the first clamp arm comprises a base portion and the second clamp arm comprises a tension panel portion connected at one end thereof to the base portion in such a fashion that it is resiliently supported by the base portion, the tension panel portion serving to resiliently clip the belt (col. 3, lines 16-25).

Regarding claims 5 and 15, Dong-Joo teaches the clamp further comprises a stopper provided at the other end of the tension panel portion and adapted to prevent the clamp from being separated from the belt (fig. 2, element 7, bottom of element 7).

Regarding claims 6 and 16, Dong-Joo teaches the connecting means comprises: a hinging member arranged between the terminal unit adapter and the clamp, the hinging member being hingably coupled to the first clamp arm of the clamp in such a fashion that it hinges about a hinge shaft with respect to the clamp while being rotatably coupled to the terminal unit holder; and a rotating shaft for rotatably coupling the terminal unit holder to the hinging member in such a fashion that the terminal unit holder rotates about the rotating shaft with respect to the hinging member (col. 4, lines 25-46).

Regarding claims 7, Dong-Joo teaches an angular position holding means for holding an angular position of the terminal unit holder with respect to the hinging member (fig. 7, col. 4, lines 33-38).

Regarding claim 17, Dong-Joo teaches the connecting device further comprises a rotating shaft for rotatably coupling the terminal unit holder to the hinging member such that the terminal

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unit holder rotates about the rotating shaft with respect to the hinging member (fig. 7, col. 4, lines 33-38).

Regarding claim 18, Dong-Joo teaches an angular position holding device configured to hold an angular position of the terminal unit holder with respect to the hinging member (fig. 7, col. 4, lines 33-38).

Allowable Subject Matter

Claims 8-10 and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 8 and 19, the prior art of record fails to specifically disclose a belt clip device wherein the rotating position holding means comprises: a hole formed at a surface of the terminal unit holder facing the clamp; a spring-loaded ball received in the hole in such a fashion that it is in contact with a surface of the hinging member contacting the surface of the terminal unit holder in a state urged against the surface of the hinging member; and a plurality of engagement grooves formed at the surface of the hinging member and adapted to in order to allow the springloaded ball to be resiliently held at a desired position along a rotating circumference of the spring-loaded ball; whereby the terminal unit holder is resiliently held at an angular position corresponding to a position of the springloaded ball received in a selected one of the engagement grooves.

Regarding claims 9 and 20, the prior art of record, specifically Mooney, teaches the connecting means comprises: a cylindrical rotating shaft (fig. 6. element 205) holding member

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provided at one end of the clamp; a spring (element 210) received in the rotating shaft holding member. However, the prior art of record fails to specifically disclose a pair of rotating shaft supporting members formed at the terminal unit holder, **each of the rotating shaft supporting members being provided with a plurality of radially extending engagement grooves at an inner surface thereof; and a pair of rotating shafts respectively adapted to rotatably couple the rotating shaft holding member to the rotating shaft supporting members and fitted in the rotating shaft holding member at opposite sides of the spring received in the rotating shaft holding member in such a fashion that they are axially slidable while being prevented from rotating with respect to the rotating shaft holding member, each of the rotating shafts being engaged with a selected one of the engagement grooves formed at an associated one of the rotating shaft supporting members.**

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edan Orgad

2/22/04


NAY MAUNG
SUPERVISORY PATENT EXAMINER